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RICHARD A. MARSHACK
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9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re
12 NORTHERN HOLDING, LLC,
13 Debtor.

Case No. 8:20-bk-13014-MW

Chapter 7

NOTICE OF CHAPTER 7 TRUSTEE'S
MOTION TO APPROVE FARM
OPERATOR AGREEMENT AND FOR
ORDER TO OPERATE DEBTOR'S
BUSINESS FOR THE LIMITED
PURPOSE OF COMPLETING FALL 2021
HARVEST OF CURRENT CROP OF
FRUIT

Date: August 30, 2021

Time: 2:00 p.m.

Ctrm: 6C¹

Address: 411 W. Fourth Street, Santa Ana,
CA 92701

21 TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY JUDGE, THE
22 OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

23 PLEASE TAKE NOTICE that RICHARD A. MARSHACK, in his capacity as Chapter 7
24 Trustee ("Trustee") of the Bankruptcy Estate ("Estate") of Northern Holding, LLC ("Debtor"),
25

26
27 ¹ Effective for hearings on and after July 19, 2021, any person may appear in person at any court hearing
28 where Judge Mark S. Wallace is the assigned judge (except for trial, evidentiary hearing, and unless such
hearing is closed as a result of it being an in-camera hearing). During the COVID-19 pandemic, any person
choosing to appear in-person at a hearing before Judge Wallace must comply with applicable Centers for
Disease Control and Prevention (CDC) guidelines regarding wearing a face mask.

1 brings this motion to approve a farm operator agreement and for an order authorizing the Trustee to
2 operate the Debtor's business for the limited period of time and for the sole purpose of completing
3 the harvest of the current crop of fruit growing on Debtor's land. In support thereof, the Trustee
4 respectfully represents as follows:

5 Debtor is the title owner of approximately 450 acres of land suitable for vineyards across two
6 separate parcels of real property, located at 1172 San Marcos Road, Paso Robles, CA ("San Marcos
7 Property"), which includes a turnkey winery production facility, real property located at APN 027-
8 145-022 in Paso Robles, CA ("Texas Road Property") and 2380 Live Oak Road, Paso Robles, CA
9 ("Live Oak Property") (collectively, "Properties"). Around 135 acres are currently planted with
10 crops that are anticipated to be ready for harvest in late September or early October of this year, with
11 an estimated yield of 253.5 tons. Based on the Trustee's personal visual inspection of the Properties,
12 it would be an enormous waste if all of these crops were allowed to wither and die – the current crop
13 should be brought to fruition and sold for the benefit of the Estate. To accomplish this goal, the
14 Trustee personally drafted and negotiated an agreement with LeRoy Coddling ("Mr. Coddling" or
15 "Operator") where the Debtor's principal and person in charge of farm operations would personally
16 advance all operational costs for tending, maintaining, cultivating, and harvesting existing crops,
17 with all proceeds to be delivered to the Trustee. Thereafter, Operator would be allowed to be
18 reimbursed all reasonable expenses of harvest from the proceeds of the sale. The crops are currently
19 being tended and require regular care and supervision under a person with knowledge and expertise
20 regarding the cultivation of the types of crops on the land. Thus, continuity is crucial for this year's
21 harvest.

22 The Trustee respectfully requests that the Court approve the farm management agreement
23 with Mr. Coddling ("Agreement") and enter an order pursuant to 11 U.S.C. § 721 to allow him to
24 permit operations on the Properties for the sole and limited purpose of completing the fall 2021
25 harvest of crop, selling the crop, and holding the proceeds pending further order of the Court
26 (recognizing that all such proceeds would be subject to the lien asserted by Farm Credit West,
27 FCLA). The Motion will be heard by the Court on the date and time listed on page one of this notice.

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1 The complete scope and terms of the relief requested are detailed in the Motion a copy of
2 which can be obtained by contacting D. Edward Hays or Tinho Mang whose contact information is
3 listed in the top left-hand corner of this Notice.

4 The Motion is based upon this Notice, the Declarations of Leroy Coddington and Richard A.
5 Marshack, memorandum of points and authorities, the pleadings and files in the Debtor's bankruptcy
6 case, and upon such further oral and documentary evidence as may be presented to the Court. **If you**
7 **do not oppose the motion described above, then you need take no further action.**

8 PLEASE TAKE FURTHER NOTICE that any opposition or other responsive pleadings
9 must be in the form as required by Rules 9013-1(f) and (o) of the Local Bankruptcy Rules and filed
10 with the Clerk of the above-entitled Court no later than fourteen days (14) prior to the hearing on
11 the Motion. You must also serve a copy of your objection upon D. Edward Hays and Tinho Mang
12 no later than fourteen (14) days prior to the date of the hearing on the Motion at the mailing address
13 indicated in the upper left corner of the first page of this Motion, and upon the Office of The United
14 States Trustee, 411 W. 4th Street, Suite 7160, Santa Ana, CA 92701. Any failure to timely file and
15 serve an opposition may result in a waiver of any such opposition and the Court may enter an order
16 granting the Motion without further notice.

17 Dated: August 9, 2021

MARSHACK HAYS LLP

/s/ Tinho Mang

19 By: _____

20 D. EDWARD HAYS

21 TINHO MANG

Attorneys for Chapter 7 Trustee

22 RICHARD A. MARSHACK
23
24
25
26
27
28

oPROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **NOTICE OF CHAPTER 7 TRUSTEE'S MOTION TO APPROVE FARM OPERATOR AGREEMENT AND FOR ORDER TO OPERATE DEBTOR'S BUSINESS FOR THE LIMITED PURPOSE OF COMPLETING FALL 2021 HARVEST OF CURRENT CROP OF FRUIT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 9, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **August 9, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

NORTHERN HOLDING, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY APPOINTMENT
OR LAW TO RECEIVE SERVICE
13217 JAMBOREE RD #429
TUSTIN, CA 92782

INTERESTED PARTY

LEE CODDING
13217 JAMBOREE RD #429
TUSTIN, CA 92782

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 9, 2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY: PRESIDING JUDGE'S COPY

HONORABLE MARK S. WALLACE
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE
411 WEST FOURTH STREET, SUITE 6135 / COURTROOM 6C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 9, 2021 **Layla Buchanan**
Date Printed Name

/s/ Layla Buchanan
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

- **ATTORNEY FOR U.S. TRUSTEE (SA):** Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Michael J Gomez mgomez@frandzel.com, dmoore@frandzel.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
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- **ATTORNEY FOR INTERESTED PARTY BANK DIRECT CAPITAL FINANCE:** Elissa Miller emiller@sulmeyerlaw.com, emillersk@ecf.inforuptcy.com; ccaldwell@sulmeyerlaw.com
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- **UNITED STATES TRUSTEE (SA):** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Reed S Waddell rwaddell@frandzel.com, sking@frandzel.com
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Gerrick Warrington gwarrington@frandzel.com, sking@frandzel.com
- **INTERESTED PARTY COURTESY NEF:** David Wood dwood@marshackhays.com, dwood@ecf.courtdrive.com; lbuchananmh@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com

2. SERVED BY UNITED STATES MAIL: CONTINUED:

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